

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

*IN RE:* : CHAPTER 13  
:   
DOMINIC and PATRICIA FABBIA : CASE NO. 18-14698  
Debtors :

**MOTION FOR RELIEF FROM STAY**

Salmon Country, Inc. (“Creditor”), by and through its undersigned counsel, Fitzpatrick Lentz & Bubba, P.C., moves this Court for an Order granting it relief from the stay of 11 U.S.C. §362(a) and, in support thereof, states as follows:

1. Dominic Fabbia and Patricia Fabbia (“Debtors”) filed a petition under Chapter 13 of the Bankruptcy Code on July 16, 2018.

2. Salmon Country, Inc. is a secured creditor of the Debtors by virtue of a Storage Lease Agreement (“Contract”) between the Debtors and Salmon Country, Inc. dated September 10, 2012. A true and correct copy of the Contract is attached as Exhibit “A” and incorporated herein by reference.

3. Pursuant to the Contract, Salmon Country, Inc. is in possession of a 1997 Sea Ray boat and trailer (Hull No. SERT 2203D797) (“Boat”) and creditor has provided storage of the Boat since the date of the Contract.

3. There remains an outstanding balance due under the Contract in the amount of \$13,512.09.

4. The Debtors made one payment pursuant to the Contract and the payments are more than five years in arrears.

5. Pursuant to the Contract and New York law, Salmon Country, Inc., has a security interest in and lien upon the Boat.

6. The Debtors have failed to retrieve the Boat or make any payment for five years. Reviewing the Debtors' schedules, it does not appear that they can afford or make use of the Boat.

7. The Debtors have no equity in the Boat.

8. The Boat is not necessary for an effective reorganization of the Debtors.

9. Salmon Country, Inc. does not have, and has not been offered adequate protection for its interest in the Boat.

10. If Salmon Country, Inc. is not permitted to foreclose its interest in the Boat, it will suffer irreparable injury, loss and damage in part as a result of the continuing decline in value of the Boat on an on-going basis and increasing storage fees for which it is not being paid.

11. There is cause for relief from the stay because Salmon Country, Inc. does not have, and has not been offered adequate protection for its interest in the Boat and by virtue of the Debtors' pre- and post-petition default.

WHEREFORE, Salmon Country, Inc. respectfully requests that this Court enter an Order granting it relief from the stay pursuant to Section 362 of the Bankruptcy Code relating to the Boat, and that it have such other and further relief as is just and equitable.

JOSHUA A. GILDEA

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Dated: September 21, 2018

By: s/Joshua A. Gildea  
Attorney for Salmon Country, Inc.